

Herbert A Viergutz

From: "Herbert A Viergutz" <barmar@gci.net>
To: "Steven J. Shamburek" <shamburek@gci.net>
Sent: Wednesday, February 15, 2006 6:18 AM
Subject: Re: Untimely Reports

You do what you have to, but my expert report is timely pursuant to Rule 26(b)2(C), and will be forwarded on or before its due date of March 16. My expert will be available for deposition on March 28, and I intend to depose yours the afternoon of March 27.

----- Original Message -----

From: "Steven J. Shamburek" <shamburek@gci.net>
To: "Michael W. Sewright" <mws@bpbk.com>; "Herbert Viergutz" <barmar@gci.net>; "Tom Krider" <Krider@OLES.com>
Cc: "Pat Stoll" <cps@hvslaw.com>; "Paul Stockler" <paulstockler@aol.com>
Sent: Tuesday, February 14, 2006 7:52 PM
Subject: RE: Untimely Reports

> Herb,
>
> Tuesday, February 14, 2006 is the date agreed to by the parties and
> ordered
> by the Court for the service of expert reports. Shoreside and Metco do
> not
> agree to any extension of this deadline. I hope this matter will not
> require court attention. If it does, we will move for attorney's fees.
>
> Steve
>
> -----Original Message-----
> From: Michael W. Sewright [mailto:mws@bpbk.com]
> Sent: Tuesday, February 14, 2006 4:18 PM
> To: Herbert Viergutz
> Cc: Tom Krider; Steve Shamburek; Pat Stoll; Paul Stockler
> Subject: Untimely Reports

> Herb,
>
> In response to your telefaxed correspondence earlier this afternoon,
> I do not agree to an untimely expert report or notification of that
> intent for the first time this afternoon. - Mike
>
> --
>
> Michael W. Sewright
> Burr, Pease & Kurtz
> 810 N Street, Anchorage AK 99501
> (907) 276-6100
> <http://www.bpbk.com>

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